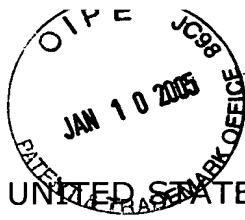


66455-025-7



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) PATENT
Paul J. Conroy et al.)
Serial No.: 09/355,635) EXAMINER: Michael MIGGINS
Filed: August 2, 1999) CUSTOMER NO. 25269
CEMENTITIOUS COMPOSITIONS AND) CONFIRMATION NO.: 6737
THEIR USE IN CORROSION
PROTECTION

* * * * *

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 10, 2005

Sir:

The inventors have received the Office Action of September 9, 2004 and have carefully evaluated the examiner's new rejections. They assert that these new rejections are improper and should be withdrawn. They offer the following comments.

The examiner has rejected claims 30-33 and 38-40 under 35 U.S.C. 103(a) as being unpatentable over Phelps (newly cited) in view of Heitzmann et al. He asserts that based on Heitzmann et al., it would be obvious to utilize 5 to 30 weight percent of metakaolin in the cement composition of Phelps. This is not at all true.

Phelps discloses a method of coating the interior of a hollow cylindrical surface such as a pipe with hydraulic cement wherein the substantially dry hydraulic cement is deposited on the interior hollow cylindrical surface while rotating, an aqueous composition is applied to

(sprayed on) the dry cement-coated internal surface, and the hollow cylindrical surface is further rotated until the hydraulic cement coating has substantially hardened. The hydraulic cement can be Portland cement (column 2, lines 52-56) and can contain conventional fillers or particulate aggregates such as sand, concrete formers such as crushed rock or gravel (column 3, lines 43-46). The method is clearly not conducted below freezing, otherwise the aqueous composition application step would not work. No mention is made of the use of metakaolin in the hydraulic cement composition.

Heitzmann et al. disclose a blended hydraulic cement for constructing structures such as roads, air fields and the like and which is curable at low temperatures, such as below the freezing point of water, the blended hydraulic cement including Portland cement, slag, pozzolans including metakaolin, and admixtures including potassium carbonate and water reducing compositions. The blended hydraulic cement provides high early strengths, high ultimate strengths, and durability, and it continues to gain strength at temperatures below freezing (page 1, last four lines). The amount of metakaolin used is at least 4 parts of metakaolin "in order to achieve the continuing cure at temperatures below the freezing point of water" (page 2, lines 24-26). See also page 4, lines 13-18. Thus, the metakaolin is disclosed as assisting cement curing at below freezing temperatures.

However, there is no issue of curing at below freezing temperature in Phelps. Thus, there is absolutely no basis for concluding that it would be obvious to utilize metakaolin in the compositions of Phelps.

The examiner's rejection of claims 30-33 and 38-40 based on Phelps and Heitzmann et al. should be withdrawn.

The examiner has rejected claims 36 and 37 under 35 U.S.C. 103(a) as being unpatentable over Phelps in view of Heitzmann et al. and Allen et al.

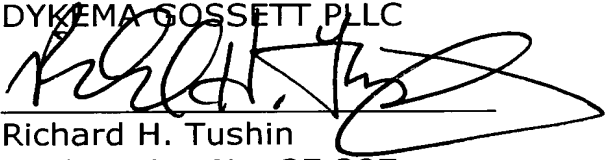
However, Allen et al. cannot be said to overcome the basic deficiency in the examiner's attempted combination of Phelps and Heitzmann et al., and so these claims are patentable along with claim 30.

Favorable reevaluation of this application is requested.

Respectfully submitted,

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